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ABSTRACT

The guide is a resource manual for training hearing officers to conduct impartial due process proceedings. The guide contains two sections - the first explores planning, conducting, and evaluating the workshop. The second contains appendixes with the following titles: "Simulation I - Private vs. Public School Placement Issue"; "Simulation II - Request for Evaluation"; "Simulation III - Full-Time LD Placement vs. Resource Room Placement"; "Workshop Supplementary Handouts"; "Sample Evaluation Instruments"; and "Resources available from National Association of State Directors of Special Education, Inc.". (PHR)

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Guide for Trainers

A Resource For Workshops on Training Impartial Due Process Hearing Officers In Special Education

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This trainer's guide resource handbook has been arranged and edited by William Schipper, Michael Norman, Gary Snodgrass and Glenn Smith of the National Association of State Directors of Special Education, Inc.

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PREFACE

The National Association of State Directors of Special Education (NASDSE) has developed a workshop for impartial due process hearing officers to assist state and local educational agencies in meeting their responsibilities for training persons to fill this important role.

This Trainer's Guide explains the workshop process and is intended to be used as a resource for individuals responsible for planning, conducting and evaluating the training of hearing officers. The activities discussed in this guide have been used by the NASDSE staff in a number of workshops conducted at the state and local level. The experience gained from these workshops is reflected in the content of the training guide and in the organization of the suggested two-day agenda. Important issues to be covered under each agenda item are discussed.

It is strongly recommended that hearing officer training be an ongoing process, with initial training followed up by meetings and seminars with hearing officers after they have had actual experience in conducting hearings. These followup activities will assist in developing consistency in hearing procedures and identify and resolve problems that develop in actual field experience.

The workshop emphasizes the three major functions of a hearing officer: preparing for the hearing, conducting a hearing, and writing the decision report. Simulated hearing situations are used as a major element of this training workshop for three basic reasons: First, the functions of the Hearing Officer, particularly conducting the hearing, are best understood through involvement in experiences which actually demonstrate the process. Second, it is an excellent method for gaining insight to the entire process and, finally, simulation assures that participants are actively involved in workshop activities.

The simulation hearing issues are:

1) Parents request private school placement
2) The public school wishes to evaluate a child after the parents refused to consent to an evaluation
3) Placement issue: Parents request full time LD class, school recommends resource room

The workshop is designed to allow participants to experience a number of activities related to the workshop objectives. The activities are sequenced to provide participants with the information and knowledge necessary to prepare for a hearing, conduct a hearing and render a decision.

Three simulated hearing cases are used in the NASDSE workshop. The major purpose of the first simulation is to highten participant awareness and understanding of the hearing process and the necessity for thorough preparation prior to the hearing. The subsequent simulations should provide

participants with further opportunities to increase their understanding and skills as hearing officers.

Simulation should be viewed as the vehicle to stimulate discussion and to point out important issues related to hearings. The trainer should be careful to structure followup discussions in order to facilitate participant learning. An "observer role" has been found to be important and integral to the workshop process. This role is further explained in the appendix.

This guide is divided into two sections:

- planning, conducting, and evaluating the workshop--in the main body;
- *suggested media, materials and simulation activities--in the appendix

The appendix materials are arranged so that they can be copied easily for distribution to participants in workshops.

NASDSE suggests, as basic workshop reference materials for participants, two field-tested resource manuals: A Step-by-Step Resource Manual for Hearing Officers, and A Case Record: The Dick East Hearing. The trainer should also make decisions about other reference needs of participants, such as state rules and regulations and specific information packets available from NASDSE (listed in the appendix) or the State Department of Education, such as information on special education terminology, assessment and program development processes and Section 504 of the Rehabilitation Act.

This Trainer's Guide makes reference to sections of A Step-by-Step Resource Manual for Hearing Officers where appropriate. When such references are made, the trainer will be greatly assisted by using the Resource Manual as a guide for the particular presentation to be made.

PLANNING THE WORKSHOP

The success of a workshop depends upon good planning. The workshop planner should begin by developing clear goals and objectives based upon the needs of the participants and their relative understanding of special education, P.L. 94-142 and due process hearings.

Obviously, the primary goal of the NASDSE workshop is to train participants so that they may serve as due process hearing officers. To meet this goal, five objectives have been established for participants:

- understand the concept of impartiality
- understand functions and competencies of Impartial Due Process Hearing Officers
- understand the process of preparing for hearings, conducting hearings, and writing decisions as a result of hearings
- understand some of the potential problems that may arise when conducting Due Process Hearings
- *understand federal and state provisions which relate to due process in special education and conducting impartial hearings

*Emphasis should vary on these objectives

Advance Information about Participants

It is important to gather some basic information about the participants before the workshop. In developing the workshop, the planner should seek the following information:

- What is the extent of participants' knowledge of special education, P.L. 94-142 and state, and local statutes and regulations as they relate to due process hearings?
- What is the level of participants' understanding of the role and responsibilities of the hearing officer?
- What is the professional background of the participants? Are they?
  - teachers?
  - lawyers?
  - clergy?
  - retired?
  - other?
- What are the goals and expectations of workshop participants?

This information will determine which objectives may need to be stressed in the workshop and appropriate additional resources provided. For example, some persons may need more information

than others on special education provisions and terminology while others may need fundamental information on due process and legal provisions.

Other Considerations

- How many participants will attend?
- How much time is allocated for the training?
- Are the facilities adequate?
- Must provisions be made for meals?
- Must provisions be made for overnight accommodations?
- What materials and equipment are needed? Such as:
    - audiovisual equipment
        - slide projector
        - cassette recorders
        - overhead projector
        - 3/4 inch video cassette playback equipment
        - screen
    - blackboard
    - chart paper
    - paper and pencils
    - resource materials (see appendix for suggested resources)
- Are special consultants needed for portions of the program?

The NASDSE simulation exercises require groups of 6-8 persons seated around tables. Therefore, adequate space to insure good working conditions for small group activities is very important.

The Agenda

After objectives have been determined and the type of facilities and resources needed to meet those objectives have been established, it is possible to create an agenda. The length of the workshop and the time frames within the workshop depend on the established objectives, the nature of the participants, and the preparation of the participants prior to the workshop. For purposes of this Trainer's Guide, a two-day workshop format is presented and discussed.

Each participant should be provided a copy of the agenda and workshop objectives. It is suggested that this information be mailed to participants before the workshop, if possible. It is also very beneficial if participants are provided with copies of the Resource Manuals well in advance of the workshop to become familiar with their content.

The following is a sample format for a two-day workshop. This agenda is based upon the goals and objectives mentioned previously. Each activity is discussed on the pages following the agenda. Keep in mind that the workshop can be expanded or lengthened but it is not recommended that it be shortened for the first time training of hearing officers.

SAMPLE TWO-DAY WORKSHOP
AGENDA

Day One	Activity
9:00 a.m.	• Introduce Workshop Sponsors and Presentors • Review Purpose, Goals and Objectives and Workshop Format • Identify Functions and Competencies of Due Process Hearing Officers • Identify Initial Issues, Concerns of Workshop Participants
9:30 a.m.	Overview of Due Process Materials • Review of Resource Manual Checklists • Review of Dick East Case
9:45 a.m.	Preparing for a Hearing • Media Presentation • Discussion
10:15 a.m.	Conducting a Hearing • Media Presentation • Discussion • Understand Simulation "Ground Rules" • Determine Roles • Review Case Data • Prepare Hearing Agenda, Write Opening Statements • Simulate Due Process Hearing • Critique Simulated Procedures
12:15 p.m.	Lunch
1:15 p.m.	Writing the Decision • Media Presentation • Review Decision Format • Write Decision from Simulated Hearings • Discussion of Decision Rationale
2:30 p.m.	Presentation: Overview of Report Data from Other States on Due Process Hearings
2:45 p.m.	Review of "Live" Hearing (videotape presentation) Discussion

Sample Agenda (cont'd)

3:45 p.m.	Progress Check on Workshop Objectives
4:00 p.m.	Adjourn

Day Two

9:00 a.m.	Open Workshop: Feedback on Objectives Attainment, Clarify Issues, Concerns
9:15 a.m.	Simulation Activity II • Review Case Data • Write Opening Statements, Prepare Hearing Agenda • Conduct Hearing • Write Decision and Rationale
10:30 a.m.	Discussion
11:15 a.m.	Simulation III • Review Case Data • Write Opening Statements, Prepare Hearing Agenda • Conduct Hearing • Write Decision and Rationale
12:15 p.m.	Discussion
12:30 p.m.	Lunch
1:30 p.m.	State Rules and Regulations and procedures for managing due process hearings
2:30 p.m.	General Discussion: Implications for Hearing Officers, Administrators, Parents, School Boards--Role of State Department of Education Final Evaluation Adjournment

HEARING OFFICER WORKSHOP
DAY 1

TOPIC	ACTIVITY	*APPROXIMATE TIME
Open Workshop	Activity--Introduce Workshop Sponsors and Presentors, and Review Workshop Purpose, Goals and Objectives, and Workshop Format Workshop sponsors and presentors/consultants should be introduced and participants told what to expect during the course of the workshop. The workshop goals and objectives should be listed, followed by a discussion of the way the agenda is organized to meet the objectives. It is suggested that overhead transparencies be made of workshop objectives and the agenda.	30 minutes
Concept of Impartiality	Activity--Identify Functions and Competencies of Due Process Hearing Officers, and Understand Concept of Impartiality The functions of a Hearing Officer are detailed in the Resource Manual pages 17-38. A list of Hearing Officer functions is included in the Appendix. Federal regulations do not provide assistance in determining necessary competencies for Hearing Officers. However, experience has shown that the most critical skills required are ability to work with adults and make decisions based on information presented during a hearing. Activity--Identify Initial Issues, Concerns of Workshop Participants Participants are likely to be anxious concerning training. It is helpful to ask participants to express their concerns and to assure them that such concerns and questions will be addressed before the close of the workshop. One technique for accomplishing this is to list concerns and issues on a blackboard and periodically throughout the workshop check those answered to the satisfaction of participants.	

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Understand Use of Resource Manuals	Activity--Review of Resource Manual Checklists and Review of Dick East Case Due Process in Special Education: A Step-by-Step Resource Manual for Hearing Officers, NASDSE, 1978, contains checklists which serve as a very brief summary of the activities to be carried out by the hearing officer. Each section of the manual includes a relevant portion of the checklist. Pages 45-49 contain a master checklist. The checklists may be used to insure that each applicable hearing officer function is completed. Participants will be particularly concerned with Chapters on Preparing for the Hearing, Conducting the Hearing and the Decision. The manual is designed to be used as a resource during training and as a reference for participants after the training is concluded. Participants should be encouraged to seek out answers in the Manual before requesting help from the trainers. Due Process in Special Education: A Case Record--The Dick East Case, NASDSE, 1978, is a complete record due process hearing. It includes copies of correspondence prior to the hearing, the opening statements of the parents and the public schools, exhibits of parent and public school data, testimony of parents and public school, summary statements, and the hearing officer decision. This case record provides Hearing Officers with insight into the content, the process, and some of the problems in an actual hearing. It includes notations regarding applicable sections of P.L. 94-142 and relevant sections of the Resource Manual.	15 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Preparing for a Hearing	Activity--Media Presentation and Discussion NASDSE's ten-minute slide/tape presentation, Preparing for a Hearing, should be used at this point in the workshop. The slide/tape emphasizes steps to be taken by a Hearing Officer prior to the hearing. Its content is derived from the Resource Manual. After viewing the slide/tape presentation, the discussion of preparation for a hearing should be derived from pages 17-30 of the Resource Manual.	30 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Conducting a Hearing	Activity--Media Presentation and Discussion NASDSE's ten-minute slide/tape presentation, Conducting a Hearing, should be used at this point in the workshop. The slide/tape presentation is based on the Resource Manual (pp. 31-35) and is used to emphasize and supplement information provided in it. The slide/tape will assist participants in understanding how to conduct a hearing. Points brought out in the presentation and the manual should be discussed at this time.	20 minutes
	Activity--Determine Roles for Simulated Hearing The participants should be divided into groups of six to eight persons depending on the case to be used. It is suggested that participants assume a role that they do not fulfill in their normal work day. An explanation of the uses and purposes of simulation should also be provided.	5 minutes
	Activity--Simulate a Due Process Hearing Participants are given data from one of three simulation cases (see appendix for the three cases). At least 15 minutes should be allowed to give participants an opportunity to review this information. It is essential that each participant becomes familiar with the simulation material. The designated "hearing officer" must prepare an agenda for the hearing. Refer to page 30 in the Resource Manual for a sample agenda. After the agenda is prepared, an opening statement must be written. Refer to page 31-32 in the Resource Manual for information on opening statements.	15 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
	Once each participant knows his/her role, the hearing is ready to begin. The cases will vary in length from 20-60 minutes depending on a number of variables.	60 minutes
Understand Problems Associated With Conducting a Hearing	Activity--Critique Session Each simulation activity should be followed by a time for sharing positive and negative observations from the group. This feedback can be very helpful to participants. The trainer may ask questions regarding use of appropriate procedures, what problems were encountered, and elicit ideas for translating the training experience into sound procedures for conducting actual hearings.	20 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Understand Elements of Written Decisions	Activity--Media Presentation and Discussion NASDSE's five-minute slide/tape presentation, Writing a Decision should be used at this point in the workshop. It is based on the Resource Manual for writing a decision. The recommended decision format is on page 37. Discussion of this format should be based on information provided on pages 36-38 of the Resource Manual. It should be emphasized that the decision must be based on evidence presented in the hearing.	15 minutes
	Activity--Write Decision from Simulated Hearings All participants should be asked to write a decision based on the simulated hearing conducted earlier. They should use the recommended format for this activity. All participants should write a decision, regardless of the role they played in the simulation. Writing quality decisions is a vital function of the Hearing Officer. A NASDSE overhead transparency, Standards for Decision Writing (see Appendix), can be used in this presentation.	30 minutes
	Activity--Discussion of Decision Rationale It is interesting at this point to ask how many participant's decisions supported the parents, how many supported the school, and how many decided upon another alternative. Participants should be given an opportunity to discuss their decision and the rationale used. A sample decision is provided on pages 40-44 of the Resource Manual. This sample is not intended to be presented as the "correct" decision, rather as a guide for the decision format. Each decision must be based on written and oral evidence. Participants should compare their decision with the sample to be sure all essential points are covered.	30 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Increase Understanding of Hearings	Activity--Presentation of Data from Other States on Due Process Hearings At this time, profiles of due process hearings as shown by compiled data from various states is presented so that participants can make comparisons between simulated experiences and actual hearings, and expand their understanding of the hearing officer role and functions.	15 minutes
	Activity--Videotape Presentation of Actual Due Process Hearing and Discussion This videotape was made at an actual hearing held in Pennsylvania. It provides participants with an appreciation of some of the problems associated with conducting a hearing. Either portions of the tape or the entire tape may be shown, depending upon trainer and participant interest and available time. Following the viewing a general critique session can be held.	60 minutes
Workshop Evaluation	Activity--Progress Check on Workshop Objectives At this time, participants have the opportunity to provide additional feedback to the trainers by completing the evaluation form in the Appendix. Generally, information is sought to inform the trainers of the degree of attainment of objectives by the participants and determine areas which may need added emphasis in Day 2. At the conclusion of Day 1, the trainers should study the evaluation forms and determine any modifications in the schedule for day two that may better meed the needs of participants. Trainers should be flexible and willing to adjust the agenda where necessary to meet needs which develop during the course of the workshop.	5 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
	Activity--Feedback on Objective Attainment--Clarify Issues, Concerns Trainers should report evaluation results of first-day activities to the participants. Trainers should attempt to clarify any issues or concerns of the participants, and seek ways to resolve them before the workshop concludes.	15 minutes
Conducting a Hearing	Activity--Simulation Activity II The same groups may be used as in Simulation I, but new roles should be assigned. Because participants have now had experience with a hearing simulation, this activity should show marked improvement over Simulation I. Only a few minutes should be required for participants to review the case data. About 10-15 minutes should be allowed for the designated Hearing Officer to write opening statements and prepare the hearing agenda. Then the hearing is ready to begin. When the hearings are completed, a discussion/critique session led by the observers should be held.	75 minutes
Decision Writing/ Analysis	Activity--Write Decision and/or Rationale and Discussion All participants may be asked to prepare all or part of the written decision. Decision writing should show improvement over the first simulation. When completed, participants should have an opportunity to discuss their decisions and the supporting rationale.	45 minutes

*These times may vary depending upon the needed degree of emphasis and participant preparation.

TOPIC	ACTIVITY	*APPROXIMATE TIME
Conducting a Hearing	Activity--Simulation Activity III, Discussion, and Decision Analysis When ready for the third simulated hearing session, the basic process is repeated as it was for Sessions I and II. • Determine Role Assignments--again, roles should be switched to maximize experience of participants • Review Case Data • Write Opening Statements, Prepare Hearing Agenda • Conduct Hearing • Conduct Critique and Feedback Session on Conducting a Hearing • Write Decisions and Rationale • Critique and Feedback Session on the Decision	75 minutes
Understand Specific State Procedures and Relationships	Activity--Presentation of State Rules and Regulations and Procedures for Managing Due Process Hearings State rules and regulations which effect the conduct of due process hearings should be presented at this time, as well as actual SEA Hearing Officer logistics and coordination.	60 minutes
	Activity--General Discussion This general discussion provides an opportunity for participants to discuss final concerns with trainers and resource persons.	25 minutes
Final Evaluation	Activity--Complete Final Evaluation Forms, Appendix A FINAL WORD--This workshop should be followed periodically by further training. Followup training will focus on fine tuning of the skills of experienced Hearing Officers.	

*These times may vary depending upon the needed degree of emphasis and participant preparation.

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APPENDIX A
Hearing Officer Simulation Activity

The following is an entire set of simulation materials for a due process hearing. The Material consists of seven role descriptions and associated letters, reports, and notices likely to be encountered in an actual hearing. Each item is labeled in the lower left hand corner of the page for easy reference.

The seven roles are as follows:

1. Attorney for the Public Schools
2. Director of Special Education
3. School Psychologist
4. Special Education Teacher
5. Father of the Child
6. Mother of the Child
7. The Hearing Officer
   Observer

In this situation, the parents are requesting that the public school assume the financial cost of a private school placement for their child. The public school, however, feels that it can provide an adequate program to meet this child's needs.

The reader is urged to carefully read each role and the accompanying documents.

Issues to be Raised

1. Is this child an exceptional child?

2. Is this child in need of special educational services?

3. Has this child's needs and abilities been sufficiently evaluated?

4. Can the public school system provide for this student or does the child need a private school for learning disabled children?

5. Can the school system provide the program it proposes?

6. Should the school system assume the financial cost of the Private School placement selected by the parents?

7. Which program adheres to the principle of placing this child in the least restrictive environment?

SIMULATION I

Attorney for Public School System

The attorney presents for the record the Chronology of Events Relating to Robert.

During the cross examination of the parents, the attorney attempts to bring out the following:

1. The parents eventually will return Robert to a regular class. He is now in the 7th grade and the Private School only goes through grade 9. He will have to transfer elsewhere after that time.

2. Robert is only one year below grade level. He can play with other children, is a member of the Boy Scouts, etc. Only academics seem to be the point of concern.

3. Robert is in physical good health. His last epileptic seizure was at age of two and he has been under control with medication ever since.

4. As his mother pointed out, he is in emotional good health.

He contends in his summation that:

1. The Public School System can provide an adequate alternative educational service suited to Robert's needs. The Learning Center at the Junior High School, as the special education teacher explained, will meet Robert's needs. This program is an <u>adequate</u> alternative.

2. The Public School System is adhering to State Law:

   "No child eligible for a publicly supported education in the public schools shall be excluded from a regular public school assignment by a rule, policy, or practice of the Board of Education of the Public School or its agents unless such child is proved (a) <u>adequate</u> alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress and the adequacy of any educational atlernative."

3. The attorney empathizes with the parent's fear of a change and new program, but there can be no guarantee that their son will progress in any program.

(Role description - Attorney for Public School)

Director of Special Education

Essentially your position is as follows:

Robert is a 13 year 6 months old male who has a low average range of intelligence, with a test pattern of a child with brain damage and evidences of a learning disability through faulty visual discrimination. A past history of epilepsy was made a part of the record with medication controlling seizures since the age of two.

Through documents submitted and statements made, the Public Schools intends to show the educational needs of Robert to be as follows:

1. Small group instruction to remove distractions.
2. Auditory instruction as against visual instruction.
3. Effort should set his own pace as against group pressure.
4. Abstract reasoning.
5. Directionality.
6. Speech therapy, as needed.

The Public School System is offering a Learning Center class program in the Junior High School that would include the following in the program for Effort:

1. Reduction in distraction, small group placement.
2. Auditory instruction.
3. Individual tasks, no group pressure.
4. Psycho-motor activities in physical education.
5. Abstract reasoning - problem solving.
6. Speech therapy.

You are proud of the quality of this particular program and have received praise from other educational circles.

Because you can provide an adequate program, you do not feel you should assume the financial cost of the private school placement selected by the parents.

You do not want to set a precedent with this case that will encourage other parents to seek costly tuition grants for their handicapped children.

You deliver the opening summary statement on behalf of the schools and coordinate the submission of documents and testimony.

(Role description - Director of Special Education)

SIMULATION I

School Psychologist

You first became acquainted with this student at the Elementary School when he was referred to you for psychological testing. But you never actually met the child because he was removed to the Private School by his parents so you went by their reports. At that time, you were supplied with all past school history and a pediatric physician's report.

The medical test conclusion was that Robert's seizure disorder was well controlled by medication. Otherwise Robert was physically healthy. The psychological report from the Private School showed a low average range of intelligence, based on the Wechsler Intelligence Scale for Children, with a VIQ - 95, PIQ - 71 and FIQ - 81.

Your interpretation of the psychological tests with Robert showed the pattern of a child with brain damage.

You also cite from the Private School psychological report to the extent that Robert is academically successful at the sixth grade level in Reading and English and at the fifth grade level in Math, Science and Social Studies.

As far as you know, there are no emotional problems reported or evident. However, there is a visual-perceptual problem with low average intelligence in the picture.

Visual discrimination plays a part in Robert's problems with language also involved. The psychological report recommended a referral to special education for placement based upon the epilepsy and learning disability for a dull normal intellectually functioning child.

Your position with regard to the educational needs for Robert is as follows:

1. An educational environment with instruction in a small group to remove distractions.

2. Auditory instruction as against visual instruction.

3. Robert should set his own pace rather than be pressured by a group schedule.

(Role description - School Psychologist)

SIMULATION I

The Special Education Teacher at The Learning Center

You offer a well-designed program for learning disabled children. You feel that this child would have an appropriate educational program if placed in this program.

From reviewing the reports of the other specialists, you have identified Robert as needing:

1. Abstract reasoning
2. Directionality

Your plan for Robert would be to have him in the Learning Center class three periods each day for academic work. He would be mainstreamed with the other junior high school students for homeroom, art and physical education as well as lunch. In addition, you feel that he could participate in regular Social Studies class. Your program for Robert looks like the following:

3 periods in the Learning Center
1 period in a regular Social Studies class
3 periods in art, music, and physical education

Your objectives in putting together with individualized program for Robert are to meet his special needs with:

1. Reduction in distraction, small group placement
2. Auditory instruction
3. Individual tasks, no group pressure
4. Psycho-motor activities in physical education
5. Abstract reasoning - problem solving
6. Speech therapy

You are a highly qualified and competent professional who relates the proposed program in a forthright manner. However, you also feel that these hearings are nonsense and a waste of your time. You believe these parents will not be satisfied with any program in the Public School system. They are only out to get the already underfunded school system to pay an expensive tuition grant for this child to attend a fancy private school.

You have never actually met the child or the child's parents prior to this hearing.

(Role description - Special Education Teacher)

SIMULATION I

Parents of Robert

The parents of a 13 year old child. He is a clergyman and a part time university instructor of comparative religion. He is obligated to teach because of the expense of sending his son to a private school. She is employed as an editor of the national Journal of the Methodist Church. She also works part time as a transcriber of religious literature into Braille.

- Both parents are thoroughly familiar-involved with the emotional, social, academic development of their child.
- Both parents are articulate and self-confident.
- Both parents have handled their frustrations with the bureacracy of the Public School System with patience and dignity.

The reason that they are requesting a hearing is:

> That their son Robert attended the Public School System for three academic years (1970 through 1973) and that he made little academic progress during these years. Therefore, that a current tuition award be granted for Robert to continue at School where he is making academic progress.

The father's argument that he remain at the Private School is reinforced in the psychologist's report dated 11/9/76 on page three. It reads as follows:

> "Robert's performance on the assessment tasks is consistent with reports of his academic functioning. Although he has developed good self-monitoring skills to counter the directionality problem, it is suggested that he be given tracking exercises to help him extinguish his persisting right-to-left tendencies. Since it is possible that his vulnerability to visual "noise" may be responsible for slow performance in some classroom work, it is recommended that he be encouraged to mask visual stimuli not relevant to the particular task on which he is working. At the present time Robert is working at or near grade level in all academic areas; it is clear, therefore, that his current academic placement is facilitating his ability to compensate for what

appear to be severe learning disabilities. Good academic and social adjustment strongly recommend Robert's continued assignment to Private School."

"A highly significant 24 point discrepancy between his Verbal and Performance Scores, however, together with five errors on the Bender-Gestalt Test that are significant indicators of brain impairment, confirm that Robert is indeed a learning disabled child."

You object to the placement of Robert in the Learning Center class at the Junior High School for the following reasons:

1. Learning Centers are for children 2 to 4 below grade level.

2. Robert will regress for the third such time in the Public Schools.

The position taken by the mother is:

1. She never met the Resource Teacher at the Junior High School.

2. You know that none of the school personnel present at this hearing actually met Robert.

3. She is concerned about the emotional turmoil that the change to the Junior High will have on her son. He is a happy, well adjusted 13 year old. His positive experiences at the Private School contribute to his emotional well being.

4. She fears that if he is taken out of a school where he is making progress, he will experience regression. He has made up for lost academic time at the Private School.

(Role description - Parents)

SIMULATION 1

Hearing Officer

In accord with the procedures developed in the manual, the Hearing Officer can assume that all of the suggested prehearing procedures have been completed. Essentially, this means that compliance has been verified, prehearing scheduling completed, and evidence and a list of witnesses shared at least five days prior to the hearing.

The Hearing Officer should keep in mind that possible statements or comments that witnesses could make and seem obvious or "well known" are not statements that can be utilized in the Hearing Officer's decision unless they become part of the record. Therefore, it is absolutely necessary for the Hearing Officer to follow up on any questions that seem to be relevant during the questioning of witnesses.

Your responsibility is to listen to all the evidence, question either side when necessary and come to what you believe is an impartial decision. You must come to a decision by the completion of this exercise.

You need to begin the hearing by introducing yourself and explain the hearing officer's role. You should also present an opening statement which includes the authority by which you hold this hearing and the procedures which will be followed during the hearing.

At the outset, be sure to check if the parents were duly provided with notice and information regarding all of their rights.

(Role description-Hearing Officer)

Simulation OBSERVERS

You are to be an inactive (invisible) observer of the group process. Your input will be valuable during the discussion following the simulation.

It is suggested you divide your note paper into two columns--to record the facilitating and positive action and processes on one side and the negative or impeding actions and processes on the other. Refer to pages 31-34 of the Hearing Officer Manual

Specifically Analyze

1. Were opening statements appropriate?
2. Was an agenda shared with the group?
3. Was hearing open or closed?
4. Type of recording?
5. Were seating arrangements determined by Hearing Officer or was it done informally by participants' self-selection?
6. Did parties direct all (most) comments to the Hearing Officer?
7. Closing statements appropriate?

In General

1. Did the Hearing Officer set an appropriate tone for the hearing?
2. Were there events in the process that appeared to be particularly difficult to manage?
3. Were there any possibilities to discover useful information that the Hearing Officer overlooked?
4. Was this an impartial hearing or were there clear instances of bias on the part of the Hearing Officer?

SIMULATION I

NOTICE OF PROPOSED CHANGE IN EDUCATIONAL PLACEMENT

Date: August 31, 1977

This is a notice of a recommended change in the educational placement of your child. Before this can be made, you have the right to question the recommendations at a hearing before a hearing officer. As this notice explains, you have the right to an independent evaluation of your child and the right to be represented at the hearing by any person of your choice.

From: Director, Placement Officer
Department of Special Education
Public School System

To: Mr. & Mrs. _____

_____

_____

Concerning: (Name of Child) Robert

DOB 4/25/64

Present Educational Placement Private School

Proposed Educational Placement Junior High School

Admissions Date September 7, 1977

cc: Associate Director
Receiving School

(Notice of Proposed Change in Educational Placement)

The following change in the educational placement of your child is recommended:

( ) 1. Regular class

( ) 2. Regular class with the following services:

_____

_____

(X) 3. Special class and/or program and school:

Learning Center

_____

( ) 4. Tuition Grant to: A facility recommended by the Department of Special Education, Tuition Office.

_____

_____

( ) 5. Other: Specify

_____

_____

_____

The educational placements numbered 1 through 5 above which have not been marked represent alternative educational opportunities which may be legally available, but are not being recommended for your child.

(Notice - p.2)

This recommendation is being made for the following reasons:

The proposed Special Education placement for Robert for the 1977-78 school year is the Jr. High School Learning Center.

This recommendation is based upon educational and psychological reports prepared by the Department of Pupil Personnel Services (5/16/77) and the Private School (11/9/76) which indicates that although Robert should chronologically be in the seventh grade, he is working successfully at the sixth grade level in reading and English and at the fifth grade level in math, science and social studies. However, Robert appears to be significantly weak in his capacity for abstract thinking in both verbal and performance tasks. In addition, he has weak directionality and a depressed psychomotor speed is evident in his rate of speech and his coding performance.

The Learning Center is an educational setting of small class size which involves individually planned programming and intensive instruction to remediate those areas of weaknesses and to further develop Robert's strengths.

The Special Education Learning Center Program is a part-time multi-age, multi-grade, individually prescribed program. It is specially designed for children who are:

1. Functioning three or more years below current grade placement.

2. Chronically displaying inability to learn at a rate commensurate with their intellectual sensory motor and physical development.

Robert should report to the Jr. High School where he will be assigned to a homeroom and section classes. He will be programmed to participate in certain major and minor subjects with the regular students according to his ability to participate. The amount of participation in the mainstream will be determined by the Special Education Learning Center teacher, the School-Based teacher and the Counselor. At specified times during the school day, Robert will return to the Learning Center where an individualized instruction program will be provided by the Special Education teacher.

(Notice - p.3)

The Junior High School is located at 131 Fairfax Drive. The principal can be reached at 112-3434.

If you wish to contact the Placement Specialist, please contact Abby Landers at 222-2121.

If you are not satisifed with the above recommendation and proposed placement, you are entitled by law to a full hearing before a hearing officer before the recommendation and placement can be acted upon. We are including a list of the rights that apply if you wish to request a hearing on this matter.

(Notice - p.4)

List of Parent Rights When A Hearing Is Requested

As a parent of the child we are recommending for a change in educational programming, you have the following rights which apply in this matter:

1. Access to all of your child's educational records.

2. The right to obtain an independent educational evaluation.

3. The right to prior notice of any proposed change.

4. The right to give or refuse consent to this proposal.

5. The right to an impartial hearing before an impartial Hearing Officer if resolution of this matter is impossible at the local level.

6. In such a hearing, you have the following rights:

   The right to counsel or expert advise.

   The right to present evidence and cross-examine witnesses.

   The right to full disclosure of all evidence to be presented by the other party to the hearing.

   The right to a written or recorded verbatim record of the hearing.

   The right to a written funding of facts and decision.

   The right to have the child present.

   The right to request that the hearing be closed to the public.

7. If you are dissatisfied with the decision of this hearing you can request an administrative review.

8. If you are dissatisfied with the results of this administrative review, you have recourse to a civil action.

9. The hearing and review must be held at a reasonable time and at a convenient place.

10. There can be no change in the child's placement until such an appeal is completed without your consent.

If you wish to request a hearing you will be provided with information on free or low-cost legal service.

REQUEST FOR HEARING

Fill in and return this form to the address shown below:

Name of Child Robert

DOB 4/25/64

I am not satisfied with the recommendation for a change in the educational placement of my child and desire hearing on this recommendation and proposed placement not sooner than 20 days (waivable by parent) and not later than 30 days after the receipt of this request.

Regulations provide for hearings under State law to be scheduled during the school days between the hours of 8:00 a.m. and 4:30 p.m., to assure the maximum attendance of school officers. Only at the request of the parent/guardian will the hearing be scheduled at another time. You will be contacted to set a time, date, and location for the hearing.

_____
(Signature of Parent/Guardian)

_____
(Signature of Parent/Guardian

Address Main Street

Phone 123-4567 Date Sept. 19, 1977

If you plan to be represented by legal counsel and/or other parties, please state name(s) and address(s).

Name _____ Name _____

Address _____ Address _____

Phone _____ Phone _____

Return to: Hearing Office
Public School System
Fairfax Drive

(Request for Hearing)

CONFIDENTIAL REPORT

Public Schools

Department of Pupil Personnel Services

SPECIAL EDUCATION

I.D. No._____

Case No._____

Birthdate 4/25/64

Name of pupil: Robert Age 13 M x F
(Last) (First) (Middle)

Address of pupil:_____

School:_____ Grade:_____ Homeroom Teacher:_____

Father:_____ Mother:_____

Parent, legal guardian or adult with whom child lives:_____

_____

Relationship: Parents Telephone number: Day_____

Evening 123-4567

Parents	Parents/Principal	10/18/76
Study Requested by	Title	Date

School planning conference held: 10-18-76 (Attach summary of report counselor)

Reason for referral: (Summary of behavioral observation and school history)

Parents requesting tuition decision is reviewed. Student continues to make good progress at Private School and parents are requesting Special placement in this facility.

Parental consent: Yes x No

Agencies active with family: Private School

Other services involved:

Service	By	Title	Date of Report
Psychological Evaluation	Maxine Klein	Private School/ Psychologist	11/9/76
Medical Evaluation	William Wilson M.D.		4/1/77
Ed. Assessment	Carl Stevenson Private School		3/77

The parents contacted Public School on 10/18/76 to indicate that they wished to initiate a tuition request once again on behalf of their son. Such a request was made a year ago at which time it was determined that a tuition grant was not appropriate but that Robert would be assigned to a learning center program within the Department of Special Ed.

RECOMMENDATIONS AND PRESCRIPTION

Robert's parents disputed this decision and returned Robert to the Private School which he had attended for the previous school year. Although the parents were advised in October 1976 that a current psychological, medical and educational data were needed before a request could be made, this information did not become available until April, 1977.

A current psychological evaluation indicates that Robert is functioning well in his present classroom while chronologically he should be a 7th grader he is presently "working successfully at the 6th grade level in reading and English and at the 5th grade level in math, science and social studies." A WISC-R indicates that he is functioning in the low average range of intelligence (Verbal IQ score 95, performance = 71, Full scale IQ of 81). The 24 point discrepancy between verbal and performance level is considered significant and it appears that visual distractions and interference are very basic to Robert's learning problems. He has learned to close his eyes and depend upon auditory input in some situations with success but this technique is not often adequate. He also exhibited weaknesses in abstract reasoning ability in both the verbal and non-verbal areas while his ability to assimilate information from his environment and his vocabulary are both considered good.

FOLLOW-UP PLAN

He had significant difficulties reproducing the Bender-Gestalt configurations. His work was consistent with that expected of a seven year old and was characterized by perseverations, poor execution of angles and difficulty with proportion, all errors which generally are characteristic of performance of brain-injured youngsters. Recall of these same configurations was described as excellent, characterized by improved execution, accuracy and greater assurance than originally noted. This pattern of achievement is consistent with the findings of visual distractibility noted earlier and also suggests strong visual short-term memory. It has been noted that when visual distractions are removed Robert shows good ability to extract information from his environment but that his weaknesses in other areas, i.e. abstract reasoning ability, directional confusion, psychomotor speed are of such magnitude that they require him to utilize special monitoring techniques to check himself as he works.

Academic evaluations indicate that Robert is functioning at or near grade level in all areas. It has been concluded "that his current academic placement is facilitating his ability to compensate for what appear to be severe learning disabilities." His parents have asked that tuition be granted to enable Robert to remain in the program at the Private School where his good academic and social adjustments may continue.

Current medical evaluation indicates that Robert's chronic convulsive disorder is well controlled by medication and that his learning disability is of organic origin and requires special educational planning. (see report - Dr. Wilson)

RECOMMENDATIONS AND PRESCRIPTION:

Robert is referred to the Department of Special Education for such help as is appropriate for a youngster of dull-normal ability, a history of convulsive seizure disorders controlled by medication and evidence of serious learning disabilities.

Since Robert is working at or near grade level in his present school placement (Private School) a program similar to the one in which he is enrolled would appear to be the optimum placement for him.

Report prepared by: School Psychologist Date: 5/16/77

(Psychological Report - Public School)

THE LEARNING CENTER

The Learning Center is located in a regular junior high school.

The students enrolled in the Learning Center Program also participate in certain activities and classes with the other children at the school.

The junior high school has art and music classes, physical education, and lunch periods in which the learning center students participate with the other students.

The Learning Center is generally known in the school system to be a program for children two to four years below grade level.

There are currently seven students enrolled in the Learning Center Program.

The equipment in the Center is quite good and includes carrols for individual study.

A few of the students enrolled in the enter have primarily behavioral problems. The other students clearly have learning disabilities. However, these latter students have not yet had assessment reports completed. Two students were near grade level and the others were two to four years below grade level.

Children enrolled in the enter usually attend the special education class for about one year.

The Learning Center has a current ratio of from three to five pupils per teacher.

The Learning Center had a large room which allowed for movement and independent study.

There is also available in the school building a special education resource teacher and an educational aide. A speech therapist is available at the school once a week.

Tasks are structured which lead to:

-reduction in distraction
-auditory instruction
-individual tasks
-psycho-motor activities in physical edu[illegible]on
-abstract reasoning - problem solving
-speech therapy

(The Learning Center)

William Wilson, M.D.
Medical Office Building
Pediatrics, Including
Allergy and Neurology

April 1, 1977

School Psychologist
Dept. of Pupil Personnel Services
Public School

Dear Sir:

Robert has a chronic convulsive disorder which is well controlled on medication. He also has a significant organic learning disability for which he has received special education. Please let me know if I can provide further information regarding this nice youngster.

Sincerely,

William Wilson, M.D.

(Letter from M.D. to School Psychologist)

THE PRIVATE SCHOOL

ACADEMIC REPORT

Name: Robert
Address:
DOB: 4/25/65
Date of Academic Evaluation: 4/22/77
Prepared by: Smart (Teacher)

Math: Robert is presently functioning at a 6.5 level and above. He has a good background of math concepts. Robert does much better when written work is not involved. Because of his fine motor problems, it takes him much longer to accomplish written tasks.

Reading: Robert is functioning at the 6.5 level. Robert reads slowly and appears to be straining to get words out fast enough. However, his comprehension is good, and reading recognition is excellent.

English: Robert is functioning at the 6.5 level. He has an excellent grasp of English grammar. However, he has difficulty constructing a composition without it appearing somewhat erratic and disconnected. His creative ideas are good. He enjoys a good sense of humor.

Social Studies: (Level 6+)
Robert's progress is satisfactory. He actively participates in discussions. His main weakness is completing classroom work and doing homework. There is very little peer interaction.

Art: Robert's craft work is satisfactory. He seems to avoid cooperative projects with peers, yet he seems to have trouble executing written craft directions without very frequent consultations and assistance. He is a well-mannered youngster and an intelligent conversationalist when he is interacting with adults. Apparently he prefers adult relationships.

Physical Education: Robert's participation and attempts are satisfactory. He has difficulty with eye-hand coordination and is slightly awkward in his gross motor movements. Although improved, he comes to tears too easily upon physical contact in competitive activities.

(Academic Report - Private School)

PSYCHOEDUCATIONAL ASSESSMENT

Name: Robert

D.O.B. 4/25/64

Sex

Grade and/or level

School Private School

Form Completed by Carl Stevenson Date March 1976

A. Cognitive development and general intellectual functioning (an estimate of general learning ability.)

Robert is operating between the limits of full, normal and average intelligence. He shows a marked deficit in his ability to process and integrate new concepts. There is a definite deficit in fine motor skills and visual motor skills. His ability to follow directions and to concentrate have increased some since the beginning of the year.

B. Motor skills and motor integration (an estimate of the body use and the translation of sensory cues into motor responses.)

Fine motor - definite deficit

Gross motor - some poor co-ordination and slight gross motor awkwardness.

C. Memory Functions

1. Short term memory - poor

2. Delayed memory - Robert seems to be able to remember a learned skill once he has mastered it. The assimilation process is slow.

D. Perceptual skills (an estimate of the efficiency in attaching meaning to sensory cues.)

Visual perception - marked visual perception deficit

Auditory perception -

1975 ITPA test results show a substantial discrepancy in auditory closure indicating difficulty comprehending a complete word when only partial information is given.

E. Language (an estimate of the mastery of speech sounds, oral communication, and the understanding of oral as well as written communication.)

1. Receptive - good

2. Expressive -

His oral expression has improved some though he has problems in association.

3. Written -

Written expression is poor and not up to his age level.

F. Social - Emotional adaptivity (an estimate of self-acceptance, peer interaction and responses to authority figures.)

1. Self - Robert continues to be a quiet boy who exhibits insecurity and dependence on adults that is not concomitant with the maturity level of his age group.

2. Peers

No problems

3. Authority Figures

Effort seeks to please those in authority and handles corrections well.

G. Achievement level(s)

1. Spelling - 6.0

2. Reading - 5.5

3. Arithmetic (mathematics) - 4.0

H. Sensory Acuity

1. Hearing - no organic defect

2. Vision - appears to be normal

I. Other Health Information (if available)

J. Recommendations

It is recommended that Robert remain at the Private School where it is felt that he greatly benefits from the small groups and individualized instruction.

(Psychoeducational Assessment)

CONFIDENTIAL

PRIVATE SCHOOL

REPORT OF PSYCHOLOGIST

Name: Robert
D.O.B.: 4/25/64
Date of Evaluation: 11/9/76

TESTS ADMINISTERED:

Wechsler Intelligence Scale for Children-Revised (WISC-R)
Bender-Gestalt Test for Children

IDENTIFYING DATA:

Robert entered the School for learning disabled children in September, 1975. Previously he had attended a public school for three years and the West School, where he was enrolled in a "catch-up" class for two years. During all but one of those years, Robert's classroom instruction was supplemented by individual tutoring. Psychological assessments carried out in March, 1971; June, 1973; and December, 1973 show relative consistency over time in his level of functioning on Performance tasks of the WISC (PSIQ 76, 76, 80), but variability in verbal functioning (VSIQ 79, 92, 81). A medical assessment states that in this first year of life, he suffered frequent severe convulsions.

Currently, Robert is reported to be functioning well in the classroom. He is assigned to a Team environment where he appears to have learned to assert himself vis a vis his peers while at the same time maintaining good relationships with them. Academically he is working successfully at the sixth level in reading and English and at the fifth level in math, science and social studies. His teachers note that he has some difficulty with verbal expression and a slow pace of work in math. He seems willing to let his partner do his work for him in science and social studies and often has to be reminded to do his assigned homeroom job, taking attendance. In physical education, he performs well; but he shows some gross motor awkwardness, as well as eye-hand coordination difficulties.

OBSERVATION AND DESCRIPTION OF TEST BEHAVIOR:

Robert is a slow speaking, well-scrubbed, tousled 12 year old of normal height and slender build. He made a point of calling the examiner's attention almost immediately to the slow pace of

his speech by spontaneously referring to "some people" who speak slowly so that others can understand them. Self-reference was implicit in his expression of reassurance to the examiner that he understood her speech very well. During the assessment, Robert revealed a tendency to verbal perseveration. He repeated the same expressions ("Oh, drat," "This blows my mind") over and over while working on manual tasks. In verbal tasks, when asked to "explain" or to "tell more about" an answer, he often restated his original responses almost verbatim. Robert revealed a persisting problem with directionality. In copying symbols on the Coding subtest, he drew horizontal lines from right to left; in reading a math problem and in the Picture Arrangement subtest, he caught himself and spontaneously corrected right-to-left starts. Robert is left-handed. The testing session was interrupted for the lunch-recess hour and for brief exercise breaks. Robert appeared to be very comfortable throughout. A high level of rapport was established quickly and maintained easily. The examiner considers the present assessment results a valid measure of Robert's current level of intellectual functioning.

EVALUATION OF DATA

Robert's overall intellectual functioning as measured by the WISC-R is at the low average level: Verbal Score, 95; Performance Score, 71; Full Scale Score, 81. Where a 14 point discrepancy between Verbal and Performance Scores is significant at the 5% level, the difference between his Verbal and Performance scores is 24, a highly significant difference. The profile of Robert's subtest scores also indicates a wide range of functioning: where a scaled score of 10 denotes the average, Robert's scores varied from 1-12. He demonstrated good ability to assimilate information from his environment by slightly above average performances on the Information (score 12) and Vocabulary (score 11) subtests. In his performance on the Similarities (score 5) and Block Design (score 1) subtests, however, he revealed significant weakness in abstract reasoning. He had difficulty conceptualizing relationships between work pairs on Similarities, and appeared to be completely at a loss when attempting to organize patterned cubes to copy abstract geometric designs. Some evidence on other subtests that he is vulnerable to visual "noise" does suggest that the very depressed score on Block Design may represent compounding of visual deficits. Visual interference also appears to be at the root of weaknesses in both auditory and visual short-term memory. In repeating an aurally presented series of digits (Digit Span, score 6, Robert's

Report of Psychologist
Robert
11/9/76
Page 3

recall was perfect so long as he covered his eyes and reauditorized each digit as it was presented. After he re-established eye contact with the examiner, however, and stopped reauditorizing the digits as they were presented, he was unable to recall even one of the next two six-digit series presented. On the Coding subtest (score 3), Robert had to call out each number as he looked for and copies the corresponding symbol, another indication of the need to suppress interfering visual stimuli in order to channel his attention. After completing the task, Robert without reference to the coding chart, was able to write from memory, quickly the four symbols that represented his house number, indicating that the significantly below average Coding performance does not represent a visual memory deficit.

Visual interference appeared to be hampering Robert in his copying of designs on the Bender-Gestalt test. When the nine geometric designs were presented to him for copying one by one, he had to make numerous erasures and corrections on many of the designs before signalling completion with "Best I can do!" Despite his efforts, his performance, with five errors, was at the level expected of a seven year old. His copies showed within-design perseveration in two instances, and revealed difficulty with proportion, with the execution of angles, and with maintaining form--all errors that have been found to be significant in the performance of brain impaired subjects. When given a clean sheet of paper and asked to reproduce all the designs he could recall, Robert's performance was excellent. He recalled with a high degree of accuracy seven of the nine designs. He drew them quickly, without belabored erasures and corrections, and with some improvement in execution. This recall performance not only gives evidence of strong visual short-term memory; it supports as well the hypothesis of visual interference effects on his performance on the Digit Span, the Coding and the Block Design subtests of the WISC-R.

SUMMARY AND RECOMMENDATIONS

Robert is a 12 year old boy functioning intellectually overall at a low average level in terms of a WISC-R IQ. A highly significant 24-point discrepancy between his Verbal and Performance Scores, however, together with five errors on the Bender-Gestalt Test that are significant indicators of brain impairment, confirm that Robert is indeed a learning disabled child. His strength lies in his ability to extract information from his environment and in his

visual sort-term memory; when sources of visual interference are removed. Robert's auditory short-term memory, as measured by the WISC-R, also appears to be vulnerable to visual interference. He appears to be significantly weak in his capacity for abstract thinking in both verbal and performance tasks, although in the latter tasks visual "noise" may be compounding his difficulties. A persisting difficulty with directionality, as well as depressed psychomotor speed, as evidenced in his rate of speech and in his Coding performance, appear to be pervasive.

Robert's performance on the assessment tasks is consistent with reports of his academic functioning. Although he has developed good self-monitoring skills to counter the directionality problem, it is suggested that he be given tracking exercises to help him extinguish his persisting right-to-left tendencies. Since it is possible that his vulnerability to visual "noise" may be responsible for slow performance in some classroom work, it is recommended that he be encouraged to mask visual stimuli not relevant to the particular task on which he is working. At the present time Robert is working at or near grade level in all academic areas; it is clear, therefore, that his current academic placement is facilitating his ability to compensate for what appear to be severe learning disabilities. Good academic and social adjustment strongly recommend Robert's continued assignment to Private School.

/S/
Maxine Klein, Ph.D.
Psychologist

CONFIDENTIAL

Attachment to Psychological Report

Robert

Parents Conference 2/16/77

Parents conferenced this date by Mrs. Smith and Dr. Kaufman. An earlier conference had been scheduled but was subsequently rescheduled for today to assure the attendance of both parents. The father asked that the staff observe Robert for any changes in behavior as they were in the process of gradually decreasing one of the two medications, Dilantin and Mysoline. Robert had been taking these since infancy. It was reported to the parents that no changes have been observed by the staff during this two week period, and the parents indicated that they also have observed no changes.

With regard to Robert's speech, the following two points were made: (1) the slow rate may very well have been and might still be, a necessary coping mechanism permitting Robert to organize his thoughts and find appropriate words to express them; and (2) in agreement with the speech and language therapist, working to increase the speed at this time might be more harmful than beneficial. The parents seemed receptive to the findings and signed a release for the report to be forwarded to the Public Schools.

February 17, 1977

Pupil Personnel Services
Public School

Office of Pupil Personnel Services:

Enclosed is a copy of the Psychological Evaluation Report of Robert.

Sincerely yours,

C. Binion
Principal

(Cover letter - Private school to PPS)

PRIVATE SCHOOL

October 10, 1977

Parents

Dear Mr. and Mrs:

As you requested recently, I am enclosing copies of pertinent reports and information on Robert:

1. Memo to School Psychologist - April 22, 1977
2. Academic Report by Mrs. Smart - April 22, 1977
3. Memo to Pupil Personnel Services - Feb. 17, 1977
4. Report of Psychologist - Nov. 9, 1976
5. Memo by the Private School official confirming their attempt to work with Public School Oct., 1976 through Oct., 1977 when attempts were made to transfer Robert.

If I can be of further assistance, please let me know.

Sincerely,

C. Binion
Principal

DlR
Encls. (5)

(Cover letter from Private School to Parents)

PRIVATE SCHOOL

February 17, 1977

Pupil Personnel Services
Public School

Office of Pupil Personnel Services:

Enclosed is a copy of the Psychological Evaluation Report of Robert.

Sincerely yours,

C. Binion
Principal

(Cover letter for Psychological Evaluation - Private School)

William Wilson, M. D.
Medical Office Building

Pediatrics, Including
Allgergy and Neurology

December 1, 1976

To whom it may concern:

Robert has a well controlled convulsive disorder and organic learning disability. He is doing extremely well at the Private School and I would strongly recommend that he be continued there.

Sincerely,

William Wilson, M.D.

(Letter from M.D. - General)

PUBLIC SCHOOL SYSTEM

Public School, Principal

October 5, 1977

Mr. and Mrs.:

Dear Mr. and Mrs:

By checking my records I find that the following reports the events to the best of my knowledge:

October 1976 - The father came to the Public School, completed Form 123, and signed the necessary forms for the evaluation.

Mary 1977- the father called the school to learn the status of pertinent reports, medical and educational that had not been received by the school psychologist.

April 1977 - Upon notification that data was not complete, the school has prepared Form 456.

I hope this information is helpful to you.

Sincerely,

Principal

(Letter from Public School principal to parents)

THE PRIVATE SCHOOL

April 22, 1977

Department of Pupil Personnel Services
Public School

Dear Mr. & Mrs.:

Re: Robert
DOB: 4/25/64

As promised in our letter of April 1, 1977, I am enclosing a current academic evaluation for Robert.

If we can be of further assistance, please call me.

Sincerely,

C. Binion
Principal

dlR
Encl.

(Cover letter to School Psychologist - Academic Evaluation)

THE LAWS OF THE STATE

No child eligible for a publicly supported education in any State public schools shall be excluded from a regular public school assignment by a Rule, policy, or practice of the Board of Education of the State Public Schools or its agents unless such child is provided (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative."

To the extent practicable, handicapped children shall be educated in the regular class. Special classes, separate schooling, or other removal of handicapped children shall occur only if, and to the extent that, the nature of severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.

The purpose of the impartial due process hearing is to resolve those differences involving the education of the handicapped child, when those differences cannot be resolved by means of a less formal procedure.

The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner to the end that all parties involved have an opportunity to present their evidence and confront and cross-examine witnesses. The parents shall have the right to produce outside expert witnesses and be represented by legal counsel and by individuals with special knowledge or training with respect to problems of handicapped children. In cases where there are language differences, an interpreter shall be provided.

The public school system must provide the student's parents with a list of witnesses which it intends to present at the hearing at least ten (10) days prior to the hearing. The parents must provide the public schools with such a list at least one week prior to the hearing.

Eligibility for special education instructional placement shall be determined according to all of the following criteria:

a. The child has an educational handicap which is manifested by his/her inability to achieve otherwise attainable progress or development in the regular education program.

b. This educational handicap is based on the presence of one or more of the following handicapping conditions:

. . . "Specific Learning Disabled" means the condition of a child who exhibits a significant discrepancy between ability and achievement as determined by evaluation. The specific learning disability may be manifested by perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, but excluding learning problems which are due primarily to visual, hearing, or motor handicaps, mental retardation, emotional disorder, or to environmental disadvantage.

Appendix B

SIMULATION II

HEARING OFFICER SIMULATION ACTIVITY

The following is a complete set of materials for a simulation of a due process hearing. The material consists of seven role descriptions, evidence related to the hearing, and suggestions for simulation observers.

The seven roles are as follows:

1. The Hearing Officer
2. The Director of Special Education
3. The School Principal
4. The English Teacher (7th grade)
5. The School Counselor
6. The Mother of the Child
7. The Father of the Child

Observer

The public school, the petitioner in this case, wishes to evaluate a child after the parents refused to consent to an evaluation. The parents (respondent) refusal was based on their concern that the evaluation may lead to labeling their child emotionally disturbed. Further, they feel that their child would do well in school if the principal insisted on strict discipline.

You are asked to carefully review each role and accompanying documents. After reading the material, turn to the Hearing Officer Manual and study sections related to hearing procedures and writing a decision.

Issues to be Raised

1. Does the evidence support the need for an evaluation?
2. Is an evaluation in the best interest of the child?

Hearing Officer's Role

In accord with the procedures developed in the manual, the Hearing Officer can assume that all of the suggested prehearing procedures have been completed. Essentially, this means that compliance has been verified, prehearing scheduling completed, and evidence and a list of witnesses shared at least five days prior to the hearing.

The Hearing Officer should keep in mind that possible statements or comments that witnesses could make and seem obvious or "well known" are not statements that can be utilized in the Hearing Officer's decision unless they become part of the record. Therefore, it is absolutely necessary for the Hearing Officer to followup on any questions that seem to be relevant during the questioning of witnesses.

You need to begin the hearing by introducing yourself and explain the hearing officer's role. You should also present an opening statement which includes the authority by which you hold this hearing and the procedures which will be followed during the hearing.

At the outset, be sure to check if the parents were duly provided with notice and information reqarding all of their rights.

Director of Special Education

The special education director presents the opening statement, giving the public school position and relating several critical reasons for that position. He/she contends that Joe is in deep emotional trouble. He is extremely disruptive, and for all practical purposes, out of control.

The special education director is responsible for presenting and questioning the public school (petitioner) witnesses.

He/she attempts to bring out the following points in cross-examination of the parents:

1. Joe has problems at home and in the neighborhood.
2. Joe's history of poor school attendance may not be related to frequent illnesses.
3. Joe's parents own and operate a restaurant and must work long hours--perhaps they do not know what he does while they are away.

The special education director's summary statement should briefly cover what he/she views as the most critical points that come out in the hearing. The statement should conclude with a request that the hearing officer grant permission to evaluate Joe.

School Principal

Your position is that you have done everything in your power to help Joe. You make the following points:

1. Joe is failing every subject except art
2. Joe has been in three serious fights with other boys since the beginning of the year, resulting in two suspensions
3. Joe uses profane and abusive language with his teachers and fellow students
4. You would like to help Joe, but he is causing too many problems. You hope an evaluation will yield suggestions for ways to work with Joe, possibly in a program for emotionally disturbed children.

Written evidence to support your position follows:

1. Letter to parents requesting conference
2. Letter to parents regarding suspension of Joe for fighting
3. Letter to parents indicating problems in school
4. Parents refusal of permission to evaluate Joe

English Teacher (7th Grade)

Your position is that of a concerned teacher. You like Joe, but can't seem to help him learn to control his anger. You have talked to the parents by telephone and written a letter to them expressing your concern.

You don't think the parents realize how serious Joe's problem is. You know you are not an expert, but you have been teaching students Joe's age for more than 10 years. Joe is different. You feel he really may harm somebody.

You do conduct a very open classroom situation with lots of small groups and independent work, but you don't feel this relaxed atmosphere is contributing to the problem.

School Counselor

Your position is that Joe should be evaluated with the hope that he may qualify for the program for emotionally disturbed students. You believe Joe has more serious problems than some of the other students placed in the program.

You defend the open policy of the school. You feel junior high students should not be treated like prisoners.

You review the group tests scores for Joe administered last year when he was in 6th grade. You make a point of the fact that this is the only test information you have. You need more data, but the parents will not approve further evaluation.

Mother and Father of Child

Your position is that Joe is the victim of a very lax, undisciplined school. Joe needs structure, the school provides nothing but fun and games. The problem started last year when a new "modern" principal was assigned to Joe's elementary school.

You will not allow the school to place a label of emotionally disturbed on Joe, when the real problem is the school itself. Who is going to evaluate the school? Joe is OK, if he is evaluated, he will be railroaded into special education. The schools never find fault with themselves, they always place the blame on the kids. They have picked on Joe since the beginning of the year.

You will never sign permission for evaluation.

You have seen kids walking the halls when you had conferences with the principal. Kids were standing around the main door smoking.

You have heard that lots of kids use dope they purchase on the school grounds. The principal doesn't seem to care about that, he/she just wants to harass Joe.

Simulation OBSERVERS

You are to be an inactive (invisible) observer of the group process. Your input will be valuable during the discussion following the simulation.

It is suggested you divide your note paper into two columns--to record the facilitating and positive action and processes on one side and the negative or impeding actions and processes on the other. Refer to pages 31-34 of the Hearing Officer Manual

Specifically Analyze

1. Were opening statements appropriate?
2. Was an agenda shared with the group?
3. Was hearing open or closed?
4. Type of recording?
5. Were seating arrangements determined by Hearing Officer or was it done informally by participants' self-selection?
6. Did parties direct all (most) comments to the Hearing Officer?
7. Closing statements appropriate?

In General

1. Did the Hearing Officer set an appropriate tone for the hearing?
2. Were there events in the process that appeared to be particularly difficult to manage?
3. Were there any possibilities to discover useful information that the Hearing Officer overlooked?
4. Was this an impartial hearing or were there clear instances of bias on the part of the Hearing Officer?

Junior High School
Counseling Office

Counseling Record Joe
Name

9/12/77 Joe asked to change math teachers because he does not like Mr. Cunningham. Space was available in Mr. Fink's class, but Joe said he does not like Mr. Fink either. We talked about how Joe felt about his teachers and the other students. Joe seems to be very angry. He says he doesn't like anybody at school, but he can't say why he feels that way.

10/16/77 Telephone conversation with Joe's mother. She feels the school is too lax. Joe would be fine if the school was stricter. She said Joe's English teacher tried to talk her into taking Joe to the Mental Health Clinic. She said that was not necessary, "Joe is not disturbed, he just needs structure." She feels Joe is not responsible for fighting incidents. Other students cause the fights. "There would be no fights if the school had better control of its students."

Public Junior High School

October 3, 1977

Mr. and Mrs. _____

RE: Joe

Dear Mr. and Mrs.:

I am writing this letter to you because I am very concerned about your son, Joe. It is unfortunate that our meeting last week had to be cancelled. I hope you will be able to attend the PTA meeting on October 15, 1977. I would be pleased to talk with you before the meeting begins or on another date if you prefer.

I am not an expert on emotional problems, but I have been teaching seventh grade students for more than ten years. Joe is different. He seems to be very unhappy. He gets angry, terribly angry, with no apparent provocation. You must be aware of these angry outbursts. Let's try together to find a way to help Joe.

Very truly yours,

English Teacher

(Letter to parents re: problems in school)

Public Junior High School

October 20, 1977

Mr. and Mrs. _____

Re: Joe

Dear Mr. and Mrs.:

This letter is a followup of our telephone conversation on October 3, 5, 6 and 15, 1977. In spite of our continuing efforts to help Joe get along in school, his fighting and arguing with other students and with members of the staff continues. He cuts class on a regular basis. He has missed his math class four times in the last two weeks alone. Such fighting, arguing and cutting of classes cannot continue.

Although I am very reluctant to do so, I may find it necessary to suspend Joe if another fight occurs.

As I told you on the telephone, I have discussed this problem with Joe's teachers. They all feel that Joe needs more help than they can give. He just gets angry too easily. I urge you to reconsider your decision not to take Joe to the Mental Health Clinic for consultation.

If I can be of any help, or you have questions, please call.

Sincerely,

School Principal

Public School Junior High School

November 10, 1977

Mr. and Mrs. _____

RE: Joe

Dear Mr. and Mrs.:

As we discussed on the telephone, it is my duty as the junior high school principal to inform you in writing that your son Joe has been suspended for three days for fighting and using profanity. Joe may return to school on November 14, 1977, if you agree to a conference with Joe's counselor and myself prior to his return. You may contact this office to arrange a time convenient to you for the meeting.

Sincerely,

School Principal

Public Junior High School

January 14, 1978

Mr. and Mrs. _____

RE: Joe

Dear Mr. and Mrs.:

This letter serves as official written notice of the second suspension of your son Joe. As we discussed on the telephone, Joe may return to school in three days (January 18, 1978). However, it will again be necessary for you to come in for a conference prior to his return.

I truly regret that this action was again necessary. Joe's behavior did improve somewhat after his last suspension, but today he lost his temper and seemed to completely lose control of himself. As I told you, this lead to another fight. We at the junior high school are very concerned about Joe and hope that a plan can be worked out to help him.

Sincerely,

School Principal

Permission for individual conferences
and/or testing

January 20, 1978

Mr. and Mrs. _____

RE: Joe

Dear Mr. and Mrs.:

As we discussed, we feel that an individual

psychological assessment	_____
psychological evaluation	XX
educational evaluation	_____
audiological (hearing impaired only)	_____
speech and language evaluation	_____
vision and hearing screening	_____

would be helpful in understanding your child's particular needs. This may include conferring with your child, testing of general ability and educational achievement and/or an evaluation of feeling.

If you have any questions about this evaluation or as to why we feel that it is necessary, plase call. When the evaluation is completed, an opportunity will be provided for you to discuss the results. You also may have access to these and any other educational records pertaining to your child.

We are not able to proceed with this evaluation until we have your permission to do so. Furthermore, you have the right to refuse to give your permission. Should you refuse to give permission, the public school has the right to appeal your decision. Please return the attached form to me at the above address within 20 administrative working days after receipt of this letter.

Sincerely,

PARENTAL PERMISSION FOR EVALUATION

I GIVE PERMISSION for the public school to proceed with the

psychological assessment	
psychological evaluation	XX
educational evaluation	
audiological (hearing impaired only)	
speech and language evaluation	
vision and hearing screening	

of my child Joe (name of child).

I understand that I have the right to review my child's school records and to be informed of the results of this (these) evaluation(s). I understand that no change will be made in my child's educational program as a result of this (these) evaluation(s) without my knowledge. I understand that I have the right to refuse to give permission for this (these) evaluation(s).

_____ (Date)

_____ (Signature of Parent)

- -

I DO NOT GIVE PERMISSION for the public school to proceed with the evaluation of my child,

Joe (Name of child).

I understand that I have the right to review my child's school records. I understand that the public school may use established procedures to obtain authorization to proceed with the evaluation. I understand that if the public school appeals my decision, I will be notified of my due process rights in these procedures.

January 28, 1978 (Date)

Mr. and Mrs. (Signature of Parent)

GROUP TEST SCORES

Sex	Male
Date of Birth	5/27/64
Age	11-5
Otis Mental Ability Test	E/2/J
Test Date	10/20/75
Age Based IQ	95
Grade Based IQ Stanine	3rd Stanine

SAT Level/Form (Beginning grade 6 norms)	Int. II A Gr. Eq.	9/27 thru 10/8 Stanine	St. Scor
Audit. Vocab.	6.9	6	176
Reading	5.2	4	156
Word Study Skills	5.0	4	153
Math Concepts	5.0	4	153
Math Computation	5.7	5	165
Math Applications	5.8	5	162
Spelling	4.6	3	152
Aural Comprehension	5.4	4	156
Total Auditory	6.1	5	163
Total Reading	5.1	4	154
Total Math	5.6	4	161

HEARING OFFICER SIMULATION ACTIVITY III

This is a simulation of a special education due process hearing. It is an example of the type of hearing in which the parents are attempting to have the child placed in a full time LD classroom. The public schools wish to place him in a regular classroom with assistance from an LD resource teacher.

There are six roles in this simulation. They are as follows:

1. The Hearing Officer
2. The Director of Special Education
3. The School Psychologist
4. The Learning Disabilities Resource Teacher
5. Father of Jim
6. Mother of Jim

OBSERVER

The roles need not be limited to these six parts. Other school personnel, as well as advocacy persons for the parents, may be added to assist each side in the presentation of their respective positions. Also, it is often helpful to designate some participants as observers to later react to the simulation from a more objective vantage point.

Each participant should be given a role description and accompanying documents. Each side and the Hearing Officer should have approximately fifteen minutes to read their materials, organize their information, and develop their presentation. The simulation should last approximately one hour.

Issues to be Raised

1. Is this child an exceptional child?
2. Is this child in need of special educational services?
3. Has this child's needs and abilities been sufficiently evaluated?
4. Can the school district provide the program it proposes?
5. Are there other possible programs that might be more appropriate for this child?
6. Which program adheres to the principle of placing this child in the least restrictive environment?
7. What evidence has not been presented that could better fill in the picture of this child's special educational needs?
8. Is the Hearing Officer making a decision solely on the evidence presented at the hearing or are some of his/her professional biases being incorporated into the determination of "appropriateness/"

HEARING OFFICER

Your responsibility is to listen to all the evidence, question either side when necessary and come to what you believe is an impartial decision. You must come to a decision by the completion of this exercise.

You should begin the hearing by introducing yourself and explaining the Hearing Officer's role. You should also present an opening statement which includes the authority by which you hold this hearing and the procedures which will be followed during the hearing.

DIRECTOR OF SPECIAL EDUCATION

Your position is that Jim Hall is in need of special education services. He is, in fact, a learning disabled (LD) child.

However, you believe that the most appropriate placement is in a regular classroom with help from the LD resource teacher to the extent that it is needed. You argue that the law (P.L. 94-142) requires that each child be placed in the least restrictive environment (LRE). You believe that a full time special class placement is too restrictive for Jim and would therefore be in violation of federal regulations. You indicate that you do not have room in the special class anyway, and if such a placement is required, it will force the school district to employ another teacher and set up another classroom at great cost to the taxpayers.

You present the Notice of Proposed Special Education Placement and Parents' Hearing Rights exhibits.

(Role Description - Director of Special Education)

SIMULATION III

SCHOOL PSYCHOLOGIST

You are the clinical psychologist who tested Jim Hall. You present the Psychological Consultation and Diagnostic Evaluation reports on him. The Diagnostic Evaluation was done by a consulting child psychiatrist.

Your role is to present your findings and those of the consulting psychiatrist. Your position is included in the two reports. Each report should be studied in detail prior to the simulation.

(Role Description - School Psychologist)

LEARNING DISABILITIES RESOURCE TEACHER

You work with 25 students on an individual and small group basis. All your students are based in regular elementary classrooms.

You observed Jim Hall in his regular third grade classroom, and you submitted the Classroom Observation report included in the assessment data on him. You will present the Classroom Observation and the Educational Evaluation reports. (Note: You did not write the Educational Evaluation report, but you are qualified to discuss it at the hearing.)

You should study these reports carefully to determine your position in the hearing.

(Role Description - Learning Disabilities Resource Teacher)

MOTHER AND FATHER OF JIM HALL

You feel that Jim should receive the intensive instruction he needs in a full time special class for learning disabled children. It is your contention that the evaluation data clearly indicates the need for such a placement. You believe that the least restrictive environment (LRE) argument being used by the school administration is simply a way for them to avoid paying the extra cost of providing a self contained, intensive program for Jim.

You fear that Jim will really suffer and may never catch up if intensive help is not provided now.

You should study all evaluation materials to find examples of the severity of Jim's problem. Use these examples to strengthen your position.

Simulation OBSERVERS

You are to be an inactive (invisible) observer of the group process. Your input will be valuable during the discussion following the simulation.

It is suggested you divide your note paper into two columns--to record the facilitating and positive action and processes on one side and the negative or impeding actions and processes on the other. Refer to pages 31-34 of the Hearing Officer Manual

Specifically Analyze

1. Were opening statements appropriate?
2. Was an agenda shared with the group?
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7. Closing statements appropriate?

In General

1. Did the Hearing Officer set an appropriate tone for the hearing?
2. Were there events in the process that appeared to be particularly difficult to manage?
3. Were there any possibilities to discover useful information that the Hearing Officer overlooked?
4. Was this an impartial hearing or were there clear instances of bias on the part of the Hearing Officer?

Parent's Hearing Rights

As a parent of the child we are recommending for a change in educational programming, you have the following rights which apply in this matter:

1. Access to all of your child's educational records.

2. The right to obtain an independent educational evaluation.

3. The right to prior notice of any proposed change.

4. The right to give or refuse consent to this proposal.

5. The right to an impartial hearing before an impartial Hearing Officer if resolution of this matter is impossible at the local level.

6. In such a hearing, you have the following rights:

   The right to counsel or expert advise.

   The right to present evidence and cross-examine witnesses.

   The right to full disclosure of all evidence to be presented by the other party to the hearing.

   The right to a written or recorded verbatim record of the hearing.

   The right to a written finding of facts and decision.

   The right to have the child present.

   The right to request that the hearing be closed to the public.

7. If you are dissatisfied with the decision of this hearing, you can request an administrative review.

8. If you are dissatisfied with the results of this administrative review, you have recourse to a civil action.

9. The hearing and review must be held at a reasonable time and at a convenient place.

10. There can be no change in the child's placement until such an appeal is completed without your consent.

If you wish to request a hearing, you will be provided with information on free or low-cost legal service.

SIMULATION III

PSYCHOLOGICAL CONSULTATION

JIM HALL

Age: 8-3
Date of Birth: 10/17/62

Tested: 18 December 1970
Tests: WISC: Benton Visual Retention (A&C); HTP

BEHAVIORAL OBSERVATIONS

Jim is an open, friendly youngster who very early in testing displayed signs of restlessness and hyperactivity. His impulsivity was apparent in his disposition to guess at answers requiring delay and thought. Jim himself appears to be aware of his hyperactivity; he said, for instance, "I always think of action like playing army...just can't stop running around." As testing progressed, Jim became increasingly impatient and eager for termination. He was able, however, to control his restlessness to some extent and was cooperative throughout testing.

Jim appeared to have significant difficulty in grapho-motor tasks. He gripped the pencil maturely, but applied very heavy pressure. In copying designs, he often became confused, e.g., turned the drawing paper instead of the design cards: his attention span appeared to be limited as well as was fine-motor modulation. Throughout these tasks, he had a very intense expression on his face.

Jim is in the third grade, and said school was terrible--"School's not there to have fun." He especially doesn't like "just sitting there doing math." He used to hate homework, but now his teacher "forgets" to give it to him. When asked to make three wishes, he wished for a bomb, a pellet gun, and a rifle. When asked what animal he would like to be, he chose to be a Tasmanian Devil--"They're mean; they don't get attacked." He volunteered the following: "I don't like being little; I wish I was sixteen; then I would boss myself."

TEST RESULTS

Jim's level of intellectual function is in the "average" range. He obtained a Full Scale WISC IQ estimate of 99 (Verbal: 110; Performance: 86). Jim's performance scores are strikingly inferior to his verbal scores; this is largely a reflection of the greater demand for sustained attention in performance tasks and, secondarily, the requirement for fine-motor manipulation in some of them. He is extremely impulsive, and this characteristic lowered some of his verbal scores as well as performance scores.

Jim's performance on the memory version of the Benton Test reflected numerous errors, and was very strongly suggestive of impairment. On the direct copy version, he made fewer errors, but still many more than would be expected; furthermore, a great deal of disorganization in terms of placement of his drawings was evident. This pattern of results suggests that, in addition to impairment in his ability to concentrate in the visual sphere, there is significant dysfunction of visual-motor integration.

Jim's HTP drawings reinforce the findings of the Benton and WISC, reflecting poor fine-motor control.

CONCLUSION

Jim is a youngster currently functioning at an "average" intellectual level. He appears to have "above average" potential that is not being realized because of significant difficulty in sustaining attention, controlling impulses and hyperactivity. In addition, he has significant difficulty in visual-motor integration. This pattern of behavior and test performance is suggestive of neurological dysfunction.

RECOMMENDATION

Jim displays many of the symptoms of "neurologically based learning disability;" accordingly, he can be expected to benefit from a small classroom setting with an appropriately trained educational specialist. I would suspect that a trial on stimulant medication might be useful in this instance; therefore, Jim should be evaluated and followed-up by a child psychiatrist.

Clinical Psychologist

DIAGNOSTIC EVALUATION

Name: Jim Hall Date: December 19, 1970

Birthdate: 10/17/62

Jim was referred for evaluation because of poor school performance, restlessness, and easy distractibility.

He is an attractive boy of average height and weight--somewhat hyperactive and distractible. He is friendly and verbal. His gait is normal. Gross-motor skills are done well. He is slightly clumsy with fine-motor skills.

Jim often misheard or misunderstood me. For example, I asked him what his parents were like and he replied, "My father likes drums; my mother likes swimming." He often misuses pronouns, especially he and she.

The basic themes reflected through his play activity, fantasy, and discussions are impulsivity, concern about impulse control, and fear of body damage. He is anxious. There is no suggestive evidence of guilt.

Jim wanted to race cars and motorcycles; he liked to play with guns, and often referred to his father who was a gunner in the army. In his fantasy, racing drivers crash and need stitches; soldiers get shot. His dreams are usually scary nightmares about monsters who are destroyed by the army; he wakes up scared and runs in to mother.

At one point, he spoke of his fantasy about racing and guns; then followed by mentioning a bad dream about a giant monster; then commented that his father was a musician who worked every night and was rarely home. He expressed unhappiness that he rarely saw his father, and when he did, he was too tired to do anything with him.

In summary, Jim's history, plus several clinical observations, suggest the probability of learning disabilities. His anxiety, concern with impulsivity, impulse control, and body suggest unresolved oedipal issues. Although eight, there is no evidence of movement into latency (i.e., evidence of a superego).

The educational issues are to be clarified. The psychopathology needs to be explored further. Family and individual therapy should be considered.

Consulting Child Psychiatrist

EDUCATIONAL EVALUATION

Name: Jim Hall

Date: December 1970

Birthdate: 10/17/62

Jim Hall--slightly built, likeable youngster with bangs, looked younger than his eight years--was seen recently to assess his learning strengths and weaknesses.

Jim, who was friendly throughout the two-hour session, was inquisitive about materials in the room. He became restless after about three-quarters of an hour, and if things were left on the table in front of him, would play with them, such as pressing a pencil on the table until the point broke. At times he had other things on his mind, besides the test at hand, such as something he wanted his mother to buy him after the session. Other times, his actions seemed to be impulsive.

The evaluation consisted of the following types of tasks:

1. Standardized tests--selected subtests from the Detroit Tests of Learning Aptitude and Wepman Auditory Discrimination Test.

2. Academic tasks to assess oral reading word analysis, command of verbal and written language, spelling, knowledge of the structure of the number system, as well as mastery of mathematical concepts and facts.

3. Non-standardized tasks involving ability to remember spatial and temporal sequences.

Results of Standardized Tests:

Detroit Subtests

Visual Attention Span for Letters	7.0 M.A. equiv.
Auditory Attention Span for Unrelated Words	6.9
Verbal Opposites	11.6
Oral Directions	6.8
Memory for Designs	9.3

Spache Diagnostic Reading Scales

Easiest selection given (1.6) too difficult for him to read.

Wepman Auditory Discrimination Test

Adequate development.

Testing, both informal and formal, revealed that Jim has problems with direction and space in his handwriting, confuses similar letters (p-q-b-), has difficulty remembering the sequence of sounds, and is confused regarding temporal sequencing, and language regarding spatial concepts. He also can be readily distracted and, at times, has difficulty concentrating on tasks.

Academically, his handwriting is very poor; his reading is at the stage where he knows a few sight words and has associated the sounds of consonants with their printed form, but not vowels. In arithmetic, he still uses his fingers or lines on paper to aid computation and, in this manner, could figure out a few simple addition and subtraction problems.

To elaborate first on the Detroit subtests, his strength was in the area of verbal opposites. He had difficulty remembering and applying the oral directions given to pictures presented as many of these involved spatial concepts. For instance, he missed an item such as "draw a line from the thimble to the star that will go down under the comb and up over the hammer." When asked to tell what he had seen from memory, he could only remember three presented at once and after that confused all the p's and q's.

In the area of general information, he did not know his birthday nor the state in which he lived. He kept saying, "Seabrook isn't a state." He did, however, know he was in North Dakota. He did not know the day of the week. He was able to tell me what day came after Friday, but didn't notice when the question was changed to what day came before Tuesday and said, "Wednesday." His concept of the term, "before," as applied to months was also poor. He did not know the present month and said, "October." When asked, "What month does Christmas come in?" he said, "August?" When asked to name the months of the year, he said, "June, July, August, and December."

In other aspects of language ability, Jim could tell the story of "Goldilocks" in good sequence and sentence structure, though he used the term "breaked up" instead of "broke." He was able to categorize words, name some "means of transportation," and some "green vegetables." He was also able to identify by name parts of his body, such as: ankles, knuckles, shoulders, etc., and could correctly follow directions such as "Put your right hand on your left ear."

Turning to reading, Jim is performing much like a beginning first grader. He knows the names of letters, but he has no concept of vowels or their sounds, and guesses words on the basis of their first or last letter. "On" was read as "not," "came" as "come," "way" as "will." When asked to write words, he confused the sequence of the letters, as he did occasionally when taking a sound-blending test, e.g., "cow" was repeated as "owe."

His spacing, as noted previously, is very poor in writing, with letters in the middle of the space rather than on the line and of varying size. Capitals are sometimes used for small letters. When he wrote numbers, the four was reversed and the eight was started in the wrong direction. He said that he couldn't write a story when shown the Myklehurst Picture Test, but did write, "I see a beg" (boy).

Jim's problems with reversals turned up in arithmetic, too, where he read forty-one as fourteen. He could only count by two's as far as ten, and when counting down by two's from ten, he lost the sequence, saying, "ten, nine, two, four." He also could not count down by five's or ten's. While he could figure out some simple problems with his fingers, when he came to a problem with twelve, he said, "I don't have enough fingers for twelve." He was able to figure out 9 + ____ = 10, but could not do 10 + ___ = 20 or 7 = 4 + ___.

Jim uses his right hand and favors his right eye.

To sum up, Jim is a pleasant youngster with learning disabilities involving vision perception, spacing, and sequencing, whose present academic functioning is on first grade level. Remedial educational therapy, involving structuring of material, a linguistic approach in reading, and the use of concrete materials in arithmetic, is strongly urged.

Some suggestions regarding techniques and materials for use with Jim are:

1. Break work into short assignments.

2. Have him repeat all directions.

3. Be sure he understands any directions involving spatial concepts.

4. Writing.

   a. Developmental Learning Materials Control Paper (Catalog #P108) and graph paper 1" and then 1/2" (#P147)---3505 North Ashland Avenue, Chicago, Illinois 60651.

   b. Handwriting We See Workbooks---B. F. Skinner and Sue-Ann Krahower, Lyons & Carnahan, Chicago; Affiliate of Meredith Corporation.

5. Arithmetic

   a. Catherine Stern Structural Arithmetic--blocks and workbooks, Houghton Mifflin, Boston, Book 1.

   b. Use of 1" graph paper above to improve spacing of written problems.

6. Reading

Linguistic approach, multi-sensory wherever possible. SRA Basic Readers, 259 East Erie Street, Chicago, Illinois.

Supplemental-Programmed Readers, Sullivan Associates, Webster Division, McGraw Hill Book Company.

After he gets a start with SRA Basic Readers, American Book Company might also be used for supplemental reading, or as the basic reader.

7. Training in visual discrimination with materials such as parquetry designs from Developmental Reading Laboratories; training in visual memory, e.g., put a simple figure on board, cover, and have him draw from memory; put out three to five blocks from parquetry set and let him reproduce designs from memory; training with similar words--put a key word at the top of the page and let him pick out all identical words from a sheet of similar words.

8. Much work in auditory discrimination--which of three words begin the same, sound the same, in the middle and end, etc. Work in sequencing of auditory sounds--training in this can be done first with such items as bells, buzzers, drums, etc.; three items may be sounded and Jim asked to duplicate them. This could be made increasingly difficult, and then changed to speech sounds for repetition and blending into words.

Educational Diagnostician

CLASSROOM OBSERVATION

Name: Jim Hall Date Observed: December 10, 1970

Age: 8-3

Date of Birth: 10/17/62

Jim was observed in his third grade classroom between 9:00 a.m. and 1:30 p.m. on December 10, 1970. At the conclusion of the visit, his teacher indicated that it had been a typical day, one in which Jim had experienced "failure after failure."

Jim's teacher appears to be very sensitive to his needs. She has provided Jim with a study carrel and desk, which he can use to assist in his concentration. Whenever Jim felt restless, he would take his work to the study carrel and try to complete it there. The other students seemed to accept this special treatment of Jim without undue attention.

The class of 28 students was divided into small groups for reading. Jim was placed in the lowest group, but still required assistance from other children in his reading group. This situation placed great pressure on Jim, but he seemed to handle it well for about 10 minutes. At that point he became so restless that he got up and started walking around the room. The teacher ignored this behavior until Jim started to talk to one of the boys in another reading group. At that point, she asked Jim to rejoin his group or go to his study carrel. Jim decided to sit alone at his study carrel. He started playing with his pencil, breaking its point. He got up to sharpen his pencil, and his teacher asked him to sit down. Jim said, "I need to sharpen my pencil." His teacher again said, "Sit down." Jim did so, but was quite obviously unhappy about the situation.

The class was brought back together for social studies. Students were asked to give short oral reports on current events. Jim wanted to give the first report. He was very excited about telling about a battle in Viet Nam. He seemed to be at his best while telling this story. The whole class enjoyed his story.

Jim's interaction with other class members in social situations was good, but he would become very anxious and tense whenever faced with reading or writing.

Recommendations

Jim needs small group or one-to-one instruction. He appears to be very bright, but unable to concentrate for long periods of time. The Learning Disabilities program should be considered.

NOTICE OF PROPOSED SPECIAL EDUCATION PLACEMENT

Date: December 20, 1970

This is a notice of a recommended special education placement of your child. Before placement can proceed, you have the right to question the recommendations at a hearing before a Hearing Officer. As this notice explains, you have the right to an independent evaluation of your child and the right to be represented at the hearing by any person of your choice.

From: Director
Department of Special Education
Public School System

To: Mr. & Mrs. Hall

Concerning: (Name of Child) Jim Hall

DOB: 10/17/62

Present Educational Placement: Regular Grade 3

Proposed Educational Placement: Regular grade three with assistance from LD resource teacher.

Admissions Date: January 3, 1971

The following special education placement of your child is recommended:

( ) 1. Regular class

(X) 2. Regular class with the following services:
30-45 minutes per day assistance from LD Resource Teacher.

( ) 3. Special class and/or program and school:

( ) 4. Tuition Grant to: A facility recommended by the Department of Special Education, Tuition Office.

( ) 5. Other: Specify

The educational placements numbered 1 through 5 above which have not been marked represent alternative educational opportunities which may be legally available, but are not being recommended for your child.

This recommendation is being made for the following reasons:

The proposed Special Education placement for Jim is for the remainder of the current school year. The placement will be reviewed at that time. This recommendation is based upon educational and psychological reports prepared by the School District, which indicate that although Jim is 3rd grade age, he is working at a lower level in reading and math.

The LD Resource Program is an educational setting of small class size which involves individually planned programming and instruction to remediate those areas of weaknesses and to further develop Jim's strengths.

The LD Resource Program is a part-time multi-age, multi-grade, individually prescribed program. It is specially designed for children who are:

1. Functioning three or more years below current grade placement.

2. Chronically displaying inability to learn at a rate commensurate with their intellectual sensory motor and physical development.

Jim will participate in regular third grade subjects with the regular students according to his ability to participate. The amount of participation in the LD resource room will be determined by the Special Education Resource Teacher. At specified times during the school day, Jim will return to the resource room where an individualized instruction program will be provided by the Special Education teacher.

If you wish to contact the Special Education Office, please contact Alice Morris at 222-2121.

If you are not satisfied with the above recommendation and proposed placement, you are entitled by law to a full hearing before a Hearing Officer before the recommendation and placement can be acted upon. We are including a list of the rights that apply if you wish to request a hearing on this matter.

APPENDIX D

Workshop Supplementary Handouts:

"Least Restrictive Environment"

"Federal Court Says Section 504 Calls for Special Education Now"

"The Law and the Assessment Process"

Decision Checkpoints

Qualifications of Hearing Officers

LEAST RESTRICTIVE ENVIRONMENT

The principle of the "least restrictive environment" is outlined in the regulations supporting the Education for All Handicapped Children Act of 1975. The Act requires states to establish procedures to assure that, to the maximum extent appropriate, handicapped children are educated with children who are not handicapped. Special classes, separate schooling or other removal of handicapped children from the regular educational environment can only occur when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services is inappropriate.

Regulations under Section 504 of the Vocational Rehabilitation Act of 1973 further support this requirement by placing mandates on any program that receives federal financial aid. A portion of the regulation dealing with preschool, elementary and secondary education requires that an agency "shall educate or shall provide for the education of each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the eucation of the person in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily." In a recent court case, a judge ruled on the basis of Section 504 that "to deny a handicapped child access to the regular public school classroom in receipt of federal financial assistance without compelling educational justification constitutes discrimination and a denial of the benefits of such program in violation of the statute" (Hairston v. Drosick).

FEDERAL COURT SAYS SECTION 504 CALLS FOR HANDICAPPED SPECIAL ED NOW

A federal court judge ruled August 4 that under anti-handicapped-discrimination Section 504, two Mississippi school districts must "throughly and individually test and evaluate" six handicapped youngsters and provide each with "education services appropriate to his needs" within 30 days of the evaluation. The ruling in the long-standing case, Mattie T. v. Holladay, is the first elementary and secondary decision under Section 504 since regulations were signed April 28.

Judge Orma Smith rejected an argument by school officials in one district that under the elementary and secondary education part of the new Section 504 regulations, schools have until September 1, 1978 to provide "appropriate education" services to handicapped children. Section 84.36 states that schools receiving Federal dollars "may not exclude any qualified handicapped person from a public elementary or secondary education" after June 3, 1977, when the regs took effect. The section continues "A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of ... this section (calling for "appropriate" education services) shall meet such requirements at the earliest practicable time and in on event later than September 1, 1978."

In a separate ruling under Mattie T., Smith ruled on Mississippi state education officials violating the rights of handicapped children by failing to insure that school districts meet requirements of the Education of the Handicapped Act (P.L. 95-49) concerning procedural safeguards, child identification, nondiscriminatory testing and "least restrictive environment."

Smith ordered state officials to file with the court a copy of Mississippi's fiscal 1978 annual program Plan under the handicapped law after HEW's Bureau of Education for the Handicapped has "finalized and approved" it. Attorneys for the handicapped children then have 30 days to file objections to the plan, after which school officials have another 30 days to respond. The court will then "take the case under advisement or schedule a hearing" to make a final ruling, Smith said.

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THE LAW AND THE ASSESSMENT PROCESS

P.L. 94-142 addresses eight different areas of concern regarding assessment. Each aspect of an assessment program must comply with the law. Table 3 lists the assessment functions with the specific requirements of the P.L. 94-142 regulations that pertain to them. Assessment teams may use Table 3 as a checklist for compliance with P.L. 94-142 as they develop assessment reports.

ASSESSMENT FUNCTIONS AND P.L. 94-142

Individual evaluation required prior to special education placement

§ 121a.531 Preplacement evaluation.

Before any action is taken with respect to the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of § 121a.532.

Non-biased assessment procedures required

PROTECTION IN EVALUATION PROCEDURES

§ 121a.530 General.

(a) Each State educational agency shall insure that each public agency establishes and implements procedures which meet the requirements of §§ 121a.-530–121a.534.

(b) Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

(20 U.S.C. 1412(5)(C).)

(Continued)

Evaluation Criteria

- o Native language requirement
- o Validation of tests
- o Administered by trained personnel
- o Not I.Q. only
- o Must measure, not just reflect, impairment
- o More than one procedure
- o Evaluation team
- o Comprehensive assessment
- o Re-evaluation every 3 years

§ 121a.532 Evaluation procedures.

State and local educational agencies shall insure, at a minimum, that:

(a) Tests and other evaluation materials:

(1) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

(2) Have been validated for the specific purpose for which they are used; and

(3) Are administered by trained personnel in conformance with the instructions provided by their producer;

(b) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(c) Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure);

(d) No single procedure is used as the sole criterion for determining an appropriate educational program for a child; and

(e) The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

(f) The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

§ 121a.534 Reevaluation.

Each State and local educational agency shall insure:

(a) That each handicapped child's individualized education program is reviewed in accordance with §§ 121a.340—121a.349 of Subpart C, and

(b) That an evaluation of the child, based on procedures which meet the requirements under § 121a.532, is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

(Continued)

- Parental consent required prior to evaluation
- Consent necessary only for individual evaluation

§ 121a.500 Definitions of "consent", "evaluation", and "personally identifiable".

As used in this part: "Consent" means that: (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

"Evaluation" means procedures used in accordance with §§ 121a.530–121a.534 to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

Use of Assessment Data by IEP Developers

- Variety of sources of information required for decision making
- Information must be documented

§ 121a.533 Placement procedures.

(a) In interpreting evaluation data and in making placement decisions, each public agency shall:

(1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

(2) Insure that information obtained from all of these sources is documented and carefully considered;

(3) Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(4) Insure that the placement decision is made in conformity with the least restrictive environment rules in §§ 121a.550–121a.554.

(b) If a determination is made that a child is handicapped and needs special education and related services, an individualized education program must be developed for the child in accordance with §§ 121a.340–121a.349 of Subpart C.

(Continued)

Confidentiality of Records

- Consent required prior to disclosure of records

§ 121a.571 Consent.

(a) Parental consent must be obtained before personally identifiable information is:

(1) Disclosed to anyone other than officials of participating agencies collecting or using the information under this part, subject to paragraph (b) of this section; or

(2) Used for any purpose other than meeting a requirement under this part.

(b) An educational agency or institution subject to Part 99 of this title may not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99 of this title.

(c) The State educational agency shall include policies and procedures in its annual program plan which are used in the event that a parent refuses to provide consent under this section.

§ 121a.573 Destruction of information.

(a) The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

- Parental right to review records

§ 121a.502 Opportunity to examine records.

The parents of a handicapped child shall be afforded, in accordance with the procedures in §§ 121a.562–121a.569 an opportunity to inspect and review all education records with respect to:

(a) The identification, evaluation, and educational placement of the child, and

(b) The provision of a free appropriate public education to the child.

- Parental right to amend records

§ 121a.567 Amendment of records at parent's request.

(a) A parent who believes that information in education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.

(b) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent of the refusal, and advise the parent of the right to a hearing under § 121a.568.

DECISION CHECKPOINTS

1. Who was at the hearing and what were their functions?
2. Under what authority is this decision rendered?
3. What is the reason for the hearing?
4. Were all procedural rights adhered to?
5. Can you reduce each side's presentation to a synopsis of the evidence presented by the parties?
6. Have you included a concise statement regarding all of the evidence presented by each side?
7. The laws, rules, policies and regulations which are pertinent to the issues of this case.
8. How do these laws apply to these facts?
9. Statement of facts as the Hearing Officer sees them after the various positions have been presented.
10. What is the specific decision the educational placement and recommendations for the program?
11. What are the particular facts which justify this placement?
12. Are all the facts mentioned above readily apparent from the transcript and the documents submitted?

QUALIFICATIONS OF HEARING OFFICERS

It is exceedingly difficult to specify the entire constellation of characteristics that must exist to insure an effective Hearing Officer. We have opted to specify the basic qualifications in terms of the skills and knowledge base that an individual should possess in order to function in this capacity. The following criteria should be considered in selecting Hearing Officers and may be used by Hearing Officers as a checklist for their own preparations.

A Hearing Officer should have a reasonable understanding of the following areas:

1. Education

   a. a knowledge of the characteristics and needs of exceptional children

   b. a knowledge of special education terminology:

      - free, appropriate public education
      - least restrictive environment
      - individualized education program
      - nondiscriminatory testing

2. Due Process

   a. an understanding of the basic principles of due process as outlined in P.L. 94-142 and state statutes

   b. an understanding of the Hearing Officer role and limitations in the due process procedure

3. Personal Qualifications

   The following qualifications should pertain:

   - Objective - ability to weigh information and make a decision based on the evidence provided
   - Impartial - not be an officer, employee or agent of the local education agency in which a hearing is being held; not prejudiced for or against any party in a hearing.

- Ability to operate in a firm but low-key manner in the conducting of a hearing.
- Ability to reach a decision based solely on information presented in a hearing and the ability to write in a clear and concise manner.
- Sufficient time to devote to procedure.
- Willing to participate in a system to evaluate personal effectiveness.

APPENDIX E

SAMPLE EVALUATION INSTRUMENTS

PROGRESS CHECK ON WORKSHOP OBJECTIVES

Objectives

			high				low
1. Understand workshop purpose, goals and objectives	YES	NO					
Relevance of activity toward attainment of objective			5	4	3	2	1
2. Understand uses of Hearing Officer's handbook	YES	NO					
Relevance of activity toward attainment of objective			5	4	3	2	1
3. Identify competencies of Hearing Officers	YES	NO					
Relevance of activity toward attainment of objective			5	4	3	2	1
4. Understand development of due process in special education	YES	NO					
Relevance of activity toward attainment of objective			5	4	3	2	1
5. Become familiar with general hearing procedures	YES	NO					
Relevance of use of media and discussion to achieve objective			5	4	3	2	1
6. Understand how to prepare for a hearing	YES	NO					
Relevance of activity to achievement of objective			5	4	3	2	1
7. Understand how to conduct a hearing	YES	NO					
Relevance of simulation activity and discussion to achieve objective			5	4	3	2	1
8. Understand trends, issues, problems of due process hearings in other states	YES	NO					
Relevance of activity toward achievement of objective			5	4	3	2	1
9. Understand Arizona due process regulations	YES	NO					
Relevance of activity toward achievement of objective			5	4	3	2	1
10. Understand decision requirements	YES	NO					
Relevance of activity to achievement of objective			5	4	3	2	1

COMMENTS (over)

WORKSHOP EVALUATION

1.	The organization of the workshop was:	Excellent	7	6	5	4	3	2	1	Poor
2.	The work of the consultant(s) was:	Excellent	7	6	5	4	3	2	1	Poor
3.	The ideas and activities presented were:	Very Interesting	7	6	5	4	3	2	1	Dull
4.	The scope (coverage) was:	Very Adequate	7	6	5	4	3	2	1	Inadequate
5.	The media was:	Very Helpful	7	6	5	4	3	2	1	Not Helpful
6.	My expectations for this workshop were:	High	7	6	5	4	3	2	1	Low
7.	I consider the value of this workshop to be:	High	7	6	5	4	3	2	1	Low
8.	My confidence level for conducting my first (next) hearing has been:	Greatly Helped	7	6	5	4	3	2	1	Not Helped

I feel that I need additional information about:

_____

_____

_____

10. Should anything be done differently at future workshops? Yes No

If yes, please specify: _____

_____

_____

_____

Resources Available from NASDSE

A Step-by-Step Resource Manual for Hearing Officers ($5)

A Case Record: The Dick East Hearing ($6)

Slide/Tape Presentations ($125/set)

The three slide/tape presentations were designed to accompany the NASDSE step-by-step resource for trainers of hearing officers. They may be used as a media resource for trainers of hearing officers, or as self-study modules for use by hearing officers. Cost of the three slide-tapes is $125. The slide/tape presentations include:

I. Preparing for a Hearing - 7 minutes

This presentation covers some of the critical activities a hearing officer should complete in preparation to conducting a hearing.

II. Conducting a Hearing - 10 minutes

Appropriate procedures for conducting a smooth efficient hearing are discussed in a step-by-step format.

III. Writing a Decision - 5 minutes

Discusses the information to be included in a decision, and provides a format for writing the decision.

The cassette tapes include an inaudible synchronizing pulse (1000 Hz) for use in automated presentation. If automatic equipment is used, the first slide (NASDSE seal) should be focused on the screen. The synchronized cassette player is then turned on. Slides will change automatically.

If automatic equipment is not available, any slide projector and cassette player may be used. The script for each presentation is organized so that slide changes are made each time a dot appears. The first slide (NASDSE seal) should be focused on the screen. The user simply follows the script while playing the cassette tape. Each time a dot appears, the slide projector should be advanced to the next slide.

The Implementation of Due Process in Massachusetts: A summary and Recommendations for State and Local Education Agencies ($1).